

Filed for intro on 02/06/95
Senate Bill _____
By _____

House No. HB0744
By Boyer

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AN ACT to amend Tennessee Code Annotated, Title 49, relative to
local governance of public education.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 49-2-203(a)(1), is amended by
deleting the present subdivision and substituting the following:

(a)(1) Elect principals, supervisors, teachers, educational assistants, attendance officers, clerical assistants and other employees authorized by this title, and to fix salaries for such authorized positions according to the provisions of this title; and to make written contracts with all employees;

SECTION 2. Tennessee Code Annotated, Section 49-2-203(a)(3), is amended by deleting the present subdivision and substituting the following:

(a)(3) Employ janitors, engineers and such other persons as may be necessary to care for the school property, and to fix their compensation;

SECTION 3. Tennessee Code Annotated, Section 49-2-203 , is further amended by deleting subdivision (a)(15) in its entirety.

SECTION 4. Tennessee Code Annotated, Section 49-2-301(a)(1), is amended by deleting the word "employment" and substituting the word "election".

SECTION 5. Tennessee Code Annotated, Section 49-2-301, is amended by deleting subsections (c), (d), (h), (i), and (j), and substituting the following:

(c)(1) In all cases where now or hereafter the method of election shall not be fixed differently by special legislation, the people of the several counties of this state are authorized to elect some person possessing the appropriate qualifications as prescribed in subsection (a) as county superintendent of public instruction.

(2) The election thereof shall be conducted in the same manner as other county elections and shall be held at the regular August election in 1996 and quadrennially thereafter.

(3) The person so elected shall possess all qualifications therefor now required by law and upon his election, shall execute bond in an amount to be fixed by the county executive and likewise take an oath to faithfully discharge the duties of his office.

(4) The term of such person so elected shall begin on September 1 next following his election.

(d) In all cases where the county superintendent of public instruction is elected by popular vote, all candidates for such position must possess a license of qualification issued by the state board of education, and such license of qualification must be filed with a candidate's qualifying petition prior to the qualifying deadline. The term of such official shall be for four (4) years from September next following the next election by popular vote of such person.

SECTION 6. Tennessee Code Annotated, Section 49-2-301(f)(10), is amended by deleting the words "teachers who are eligible for tenure" and substituting the words and punctuation "supervisors, teachers, educational assistants, clerical assistants and other employees in the schools".

SECTION 7. Tennessee Code Annotated, Section 49-2-301(f)(12), is amended by adding the following at the end of the subdivision:

, pending the meeting and approval of the board;

SECTION 8. Tennessee Code Annotated, Section 49-2-302, as it existed prior to enactment of Chapter 535 of the Public Acts of 1992, is hereby revived.

SECTION 9. Tennessee Code Annotated, Section 49-2-303(a)(1), is amended by deleting the present subdivision and substituting the following:

(a)(1) Each local superintendent shall recommend and the local board of education shall employ through written contracts principals for the public schools under their jurisdiction.

SECTION 10. Tennessee Code Annotated, Section 49-2-303(b)(3), is amended by deleting the present subdivision and substituting the following:

(b)(3) Submit recommendations to the local superintendent regarding the appointment, assignment, promotion, transfer, and dismissal of all personnel assigned to the school or schools under the principal's care;

SECTION 11. Tennessee Code Annotated, Section 49-2-304, is amended by deleting the words “or superintendent, as appropriate,” immediately after the words “boards of education” or “board of education”.

SECTION 12. Tennessee Code Annotated, Section 49-5-401(a) and (b), are amended by deleting the present subsections and substituting the following:

(a) It is the duty of the local board of education to elect and assign all public school teachers, principal-teachers, and other school personnel on or before May 15 next preceding the school year for which such personnel shall be employed.

(b) In the event that a sufficient number of qualified and licensed teachers, principal-teachers, and other qualified school personnel are not available for election and assignment on or before May 15 next preceding the school year for which such personnel shall be employed, then and in that event the local board of education may direct and authorize the local superintendent of schools to locate, employ and assign such qualified and licensed teachers, or other school personnel; provided, that in such cases it is the duty of the local board of education, at its next regular or special session called for the purpose, to confirm the election and assignment of each teacher, or other personnel, employed by the local superintendents of schools.

SECTION 13. Tennessee Code Annotated, Section 49-5-406, is amended by deleting the words “or superintendent, as appropriate,” immediately after the phrase “local Board of Education” or “local board” wherever it appears.

SECTION 14. Tennessee Code Annotated, Section 49-5-407, is amended by deleting the words “or superintendent” immediately after the phrase “local Board of Education” appearing in the first and second lines of subsection (a).

SECTION 15. Tennessee Code Annotated, Section 49-5-409(a), is amended by adding the words “or superintendent, as appropriate,” immediately after the words “Board of Education”.

SECTION 16. Tennessee Code Annotated, Section 49-5-510, is amended by adding after the words "The superintendent", the words and punctuation ", with the approval of the board," and by adding the following new sentence at the end of the section:

Such a transfer can be made only by the concurrent action of the superintendent and the board.

SECTION 17. Tennessee Code Annotated, Section 49-6-2101, is amended by deleting the words "Appointed superintendents" in the first line of subsection (e) and substituting the word "Boards".

SECTION 18. Tennessee Code Annotated, Section 49-6-3006, is amended by deleting the words "or superintendent, where appropriate", immediately after the words "Board of Education" in the first line of subsection (b).

SECTION 19. Tennessee Code Annotated, Section 49-2-301(f), is amended by deleting subdivisions (31) through (34).

SECTION 20. Tennessee Code Annotated, Section 49-2-201, as it existed prior to enactment of Chapter 535 of the Public Acts of 1992, is hereby revived.

SECTION 20. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 21. This act shall take effect upon becoming a law, the public welfare requiring it.

AN ACT to amend Tennessee Code Annotated, Title 49, to
reinstate the elected office of county superintendent of
schools.

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